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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,829	05/11/2005	Massimo Brusarosco	05999.0188	3739

22852 7590 02/13/2007  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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TAYLOR, VICTOR J

ART UNIT	PAPER NUMBER
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2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/13/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/508,829

Applicant(s)

BRUSAROSCO ET AL.

Examiner

Victor J. Taylor

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☒ Claim(s) 27-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/23/04, 11/12/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-36 are pending in the instant application. The applicant cancelled claims 1-18. Therefore, claims 19-36 are presented for examination. This application is a 371 of PCT/EP02/03498 with priority date of 03/28/2002.

#### ***Drawings***

2. The drawings were received on 23 September 2004. The drawings are approved.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 23 September 2004 and on 12 November 2004 is acknowledged. This submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

#### ***Specification***

4. The abstract of the disclosure is objected to because. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). The abstract submitter in the Preliminary amendment on 23 September 2004 on pages 4 and 5 for the abstract is improper. A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 19-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter.

Claim 19 is drawn to a computation model method for monitoring the rolling tire condition instantaneous behavior with method steps using sensors to acquire and store reference curve data representative of acceleration profiles using specific point on the tire as a function of positions of the points in portions of tire revolutions. Wherein provisions are made for acquiring signals representative of acceleration points in portions of tire revolution using computer computations and processes to derive signals of acceleration with processes to compare cyclic curves with reference curves that are internal abstract computer functions and processes to derive the reference curve representative of the acceleration of at least one point in two direction wherein the directions comprise computed centripetal direction and a tangential direction and a

lateral direction wherein the signals are continuously acquired to indicate the instantaneous behavior of the tire computer processes by processor 7-C in figure 4 which fails to provide a useful output for the user and fails to provide a useable clear concrete and tangible result. The internal computer processes model method fails to output or store for later use the internal processed data generated internally and which fail to show the clear concrete and tangible result or provide for the data storage on a media or provide the useful output to the user.

For example;

Claim 19 lacks a useful, concrete, and tangible result. The claim is directed to manipulation of ideas that are abstract in nature, as performing of the method does not result in an outcome that is for example, displayed, stored, or outputted to a user etc., by means of a tangible medium. Because there is not a storage media or outputted data on a display or similar device for output for a user, the claim is non-statutory and comprises computation computer processes that show no clear concrete tangible result.

For the result to be tangible it would need to output to a user or displayed to a user or stored on data media for later usage. Hence the claims are treated as non-statutory functional descriptive material (See MPEP Section 2106).

As to claims 20-26 as based on rejected claim 19 and are rejected for at least the reasons cited above.

Any change in the claim limitations need to find support in the specification and in the drawings. No new matter may be added.

See MPEP 2106 and United States Patent and Trademark Office Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility **OG Notices: 22 November 2005** and the 101 issues as found in the inter-net location, <http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>.

***Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

TARCZY et al., US 4,630,228 A is cited for the system for the transmission line analyzer using computer processes see abstract and the signal conditioner (13) in figure 1 and lines 40-60 of column 2.

***Allowable Subject Matter***

9. Claims 19-36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

10. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 571-272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

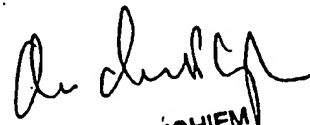
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor J. Taylor  
Examiner  
Art Unit 2863

  
3 January 2007.

  
MICHAEL NGHIEM  
PRIMARY EXAMINER